


ANALYSIS

This ordinance amends Chapter 7.20 of Title 7 – Business Licenses of the Los Angeles County Code, to allow the licensing of remote caller bingo pursuant to Penal Code sections 326.3 and 326.4.

The ordinance amendments relating to the licensing of remote caller bingo shall remain in effect until July 1, 2016, when Penal Code section 326.3 becomes inoperative, unless State law is enacted that deletes or extends the date on which that section becomes inoperative, in which case the ordinance amendments will remain in effect.

MARK J. SALADINO
County Counsel

By 
SAYUJ PANICKER
Deputy County Counsel
Government Services Division

SP:mv

2/23/15 (Requested)
4/10/15 (Revised)

ORDINANCE NO. 2015-0052

An ordinance amending Chapter 7.20 of Title 7 – Business Licenses of the Los Angeles County Code, relating to the licensing of remote caller bingo.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Section 7.20.010 is hereby amended to read as follows:

7.20.010 Definitions.

As used in this chapter:

A. "Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conforms to numbers or symbols selected at random.

B. "Eligible organization" means:

1. Organizations exempt from the payment of bank and corporation tax by sections 23701a, 23701b, 23701d, 23701f, 23701g, 23701k, 23701l, and 23701w of the Revenue and Taxation Code;

2. Mobile home park associations of mobile home parks that are situated in the County;

3. Senior citizen organizations; and

4. Charitable organizations affiliated with a school district.

C. "Traditional bingo" means a game of bingo in which designated numbers or symbols are marked or covered by a player on a tangible card in the player's possession and that conform to numbers or symbols, selected at random and announced by a live caller, or as otherwise defined in Penal Code section 326.5(o).

D. "Remote caller bingo" means a game of bingo in which the numbers or symbols on randomly drawn plastic balls are announced by a natural person present at the site at which the live game is conducted, and the organization conducting the bingo game uses audio and video technology to link any of its in-state facilities for the purpose of transmitting the remote calling of a live bingo game from a single location to multiple locations owned, leased, or rented by the organization, or as otherwise defined in Penal Code section 326.3(u)(1).

SECTION 2. Section 7.20.020 is hereby amended to read as follows:

7.20.020 Games permitted when—Statutory authority.

Bingo games for charitable purposes are hereby authorized pursuant to ~~S~~section 19, Article IV of the California Constitution, and ~~S~~sections 326.5 (traditional bingo) and 326.3 and 326.4 (remote caller bingo) of the Penal Code, and in accordance with the provisions of this chapter.

SECTION 3. Section 7.20.025 is hereby added to read as follows:

7.20.025 Traditional and remote caller bingo authorized.

A. Traditional bingo, as defined in Subsection C of Section 7.20.010, may be lawfully played within the unincorporated areas of the County pursuant to the provisions of this chapter and Penal Code section 326.5, and not otherwise.

B. Remote caller bingo, as defined in Subsection D of Section 7.20.010, may be lawfully played in the unincorporated areas of the County pursuant to the provisions of this chapter and Penal Code sections 326.3 and 326.4, and not otherwise.

SECTION 4. Section 7.20.030 is hereby amended to read as follows:

7.20.030 License—Eligible organizations.

Eligible organizations may apply to the eCounty for a license to conduct bingo games in the eCounty under the provisions of Ssections 326.5 (traditional bingo) and 326.3 and 326.4 (remote caller bingo) of the California Penal Code, and in accordance with the provisions of this chapter.

SECTION 5. Section 7.20.040 is hereby amended to read as follows:

7.20.040 License—Required.

~~No person or organization shall engage in, carry on, maintain, conduct or cause to be engaged in, carried on, maintained or conducted a bingo game in the county of Los Angeles without first having secured a license in accordance with the requirements of this chapter, nor without complying with the regulations contained herein pertaining to the operation of bingo games.~~

A. A traditional bingo license must first be obtained from the County before conducting a traditional bingo game.

B. A traditional bingo license and a remote caller bingo license must first be obtained from the County before conducting a remote caller bingo game.

C. It shall be unlawful for:

1. Any organization to conduct a traditional or remote caller bingo game in the unincorporated area of the County unless such organization is an eligible organization as set forth in Section 7.20.030 of this chapter and has first obtained a license(s) as required by Subsection A or B of this Section;

2. Any person to conduct traditional or remote caller bingo games in the unincorporated area of the County unless such person is a member of an eligible organization as set forth in Section 7.20.030 of this chapter and is acting on behalf of such eligible organization that has been issued a license(s) as required by Subsection A or B of this Section.

SECTION 6. Section 7.20.060 is hereby amended to read as follows:

7.20.060 License—Filing of application.

A. Every organization desiring a license pursuant to this chapter shall file an application with the ~~t~~Tax ~~e~~Collector upon a form to be provided by the ~~t~~Tax ~~e~~Collector, and at such time pay the required fee and penalty, if any.

B. A separate license application must be completed for a traditional bingo license and for a remote caller bingo license and may be submitted at the same time.

C. A separate license application must be completed for each property location where traditional bingo will be conducted. For remote caller bingo, separate applications are required for both the location where the bingo game is called or broadcast, and each location receiving the broadcast.

D. The application(s) shall be filed at least 60 days prior to the conduct of any bingo game(s), and shall specify:

A1. The name, address and telephone number of the local applicant organization, the nature of the organization, and a statement that the applicant is an eligible organization as defined by Section 7.20.010 of this chapter;

B2. The names and addresses of all officers and directors of the eligible organization;

G3. A list of the names of all members of the applicant organization who will operate and staff bingo games, and the date they became members;

D4. A detailed schedule of the date(s), hours, location(s) and occupancy capacity of such location(s) of each bingo game to be held;

E5. A detailed description of the record system to account for the receipts, prizes, expenses and profits of each bingo game;

F6. The location and signatures of the special bank account(s) required by Section 7.20.460;

G7. The specific charitable purpose(s) which the bingo proceeds will benefit;

H8. Whether the maximum number of players at any time will be less than 100;

I9. A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of Sections 326.5 (traditional bingo) and 326.3 and 326.4 (remote caller bingo) of the Penal Code, as applicable, and this chapter, as they may be amended from time to time, and agrees that the license to conduct bingo games may be revoked upon violation of any of such provisions;

J10. The address to which notice, when required, is to be sent or mailed, and the names of any individual or individuals, in addition to those set forth elsewhere in

the application, who are authorized to accept service of process on behalf of the licensee;

11. For a remote caller bingo license, a certificate issued by the Franchise Tax Board certifying that the applicant is exempt from the payment of the taxes imposed under the Corporation Tax Law pursuant to sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue and Taxation Code;

K12. Whether the application is for a new license or a renewal of an existing license;

L13. The application shall be signed by at least two officers, including the presiding officer of the local organization; and

M14. The application shall be verified as provided in the Code of Civil Procedure for the verification of pleadings.

SECTION 7. Section 7.20.150 is hereby amended to read as follows:

7.20.150 License—Imposition of conditions.

A. If the ~~b~~Business ~~I~~License ~~e~~Commission finds that the facts are such that one or more of the provisions of Section 7.06.090 and ~~G~~Chapter 7.08 of this title relating to the denial of a license would apply if the license is issued without conditions, but that conditions can be imposed which will eliminate any ground for denial provided for in said Section 7.06.090 and ~~G~~Chapter 7.08 of this title, the ~~e~~Commission shall instruct the ~~t~~Tax ~~e~~Collector to issue, and the ~~t~~Tax ~~e~~Collector shall issue, the license subject to such conditions.

B. Any licenses issued pursuant to this chapter shall be subject to the provisions of this chapter and to the conditions and requirements contained in sections 326.5 (traditional bingo) and 326.3 and 326.4 (remote caller bingo) of the Penal Code, as applicable, and each licensee shall comply with all applicable State and local laws and regulations.

C. The licensed organization is responsible for ensuring that the conditions and requirements of this chapter and sections 326.5 (traditional bingo) and 326.3 and 326.4 (remote caller bingo) of the Penal Code, as applicable, are complied with by the organization and its officers and members. A violation of any one or more of those conditions or requirements shall constitute cause for the revocation, suspension, limitation or conditioning of the license to conduct traditional or remote caller bingo. A hearing to determine whether an existing license shall be revoked, suspended, limited or conditioned shall be initiated by filing an accusation in compliance with the procedures set forth in Section 7.10.210 et seq., of the County Code.

SECTION 8. Section 7.20.300 is hereby amended to read as follows:

7.20.300 Hours of operation.

No bingo game shall be conducted between the hours of midnight and 10:00 a.m., nor shall any licensee conduct bingo games on more than ~~one~~ two days per week.

SECTION 9. Section 7.20.320 is hereby amended to read as follows:

7.20.320 Attendance limited to occupancy capacity.

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted, as determined by the forester and fire warden in accordance with applicable laws and regulations, or the limit stated in the license, whichever is less. However, no more than 750 players may participate in a remote caller bingo game in a single location. Further, the licensee shall not reserve seats or space for any person, nor shall any remote caller bingo games be limited to members of an eligible organization.

SECTION 10. Section 7.20.330 is hereby amended to read as follows:

7.20.330 Participant must be present.

No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted. A person shall be deemed to be physically present at the place where the remote caller bingo game is being conducted if he or she is present at any of the licensed locations participating in the remote caller bingo game in accordance with the provisions of this chapter and Penal Code section 326.3(n).

SECTION 11. Section 7.20.380 is hereby amended to read as follows:

7.20.380 Location restrictions.

A licensee shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the

purposes for which the organization is organized. Nothing in this section shall be construed to require that the property owned or leased by the organization be used or leased exclusively by such organization. The license issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address(es) of which is/are stated in the application. A specific facility may be used for conducting bingo games no more than three times per week. Remote caller bingo shall only be conducted at a site located within the State of California.

SECTION 12. Section 7.20.480 is hereby amended to read as follows:

7.20.480 Receipt of profit deemed misdemeanor when—Penalty.

It is a misdemeanor under sections 326.3(d) and 326.5(b) of the Penal Code of the sState of California for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which is punishable by a fine not to exceed \$10,000.00, which fine shall be deposited in the general fund of the County.

SECTION 13. Section 7.20.485 is hereby added to read as follows:

7.20.485 Other remedies.

The remedies provided for in this chapter are to be construed as added remedies and not in conflict or derogation of any other remedies provided by law.

SECTION 14. Section 7.20.525 is hereby added to read as follows:

7.20.525 Remote Caller Bingo—Operative date.

The provisions of this chapter relating to remote caller bingo shall remain in effect until July 1, 2016, when Penal Code section 326.3 becomes inoperative, unless State

law is enacted that deletes or extends the date on which that section becomes inoperative, in which case the ordinance amendments will remain in effect.

[720010SPCC]

SECTION 15. This ordinance shall be published in The Daily Commerce a newspaper printed and published in the County of Los Angeles.



Mike Antonovich
Mayor

ATTEST:

Patrick Ogawa
Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that at its meeting of November 17, 2015 the foregoing ordinance was adopted by the Board of Supervisors of said County of Los Angeles by the following vote, to wit:

Ayes

Supervisors Hilda Solis
Mark Ridley-Thomas
Sheila Kuehl
Don Knabe
Michael D. Antonovich

Noes

Supervisors None

Effective Date: December 17, 2015

Operative Date:

Patrick Ogawa
Patrick Ogawa
Acting Executive Officer -
Clerk of the Board of Supervisors
County of Los Angeles

I hereby certify that pursuant to Section 25103 of the Government Code, delivery of this document has been made.

PATRICK OGAWA
Acting Executive Officer
Clerk of the Board of Supervisors

By Patrick Ogawa
Deputy



APPROVED AS TO FORM:
MARY C. WICKHAM
Interim County Counsel

By Lester J. Tolnai
Lester J. Tolnai
Acting Chief Deputy County Counsel